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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,855

Applicant(s)

SINGH ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-25 and 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 9, 10. 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the IDS submitted on 1/25/2002, 9/30/2002, 5/28/2003, which papers have been placed of record in the file.
2. Claims 1-40 are pending in this application. Claims **26-37** are elected for examination on 10/21/2003.

Drawings

3. This application has been filed with formal drawings (Figs. 1-24) which are acceptable by the examiner for examining purposes.

Election

4. On 10/23/2003 the applicants elected claims 26-37 for examination; claims 1-25, 38-40 were withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **26-27** are rejected under 35 U.S.C. § **102(b)** as being anticipate by Ryan et al. (US Pat. 6,421,675).

A. Re. To claim **26**: Ryan et al. teach a database search system comprising a database of search listings associated with advertisers and a processing system (see **Ryan et al.**, the abstract, and 2:25-35), (please note that "which **sends a notification** to an advertiser when a change condition of a search listing of the advertiser has occurred" is an inherent function of Ryan 's system and is a capability of Ryan et al.'s system to serve a purpose of

interactive communication between Ryan's system and a user/advertiser (see **Ryan et al.**, 34:63-65).

B. Re. To claim 27: Ryan et al. teach a database search system comprising:

- a database of search listings, (please note a fact that each search listing being associated with a party/(a web listing) is inherently taught in Ryan et al. invention (see **Ryan et al.**, the abstract);
- a search engine (see **Ryan et al.**, the abstract, and 2:25-53); and

Ryan et al. inherently teach about providing an indication to an advertiser by interactive communication (see **Ryan et al.**, 34:63-65).

For the examiner 's interpretation of claims' weight of these claims' limitations, please refer to Ex parte **Masham**, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987), *In re Kuehl*, 177 USPQ 250 (CCPA 1973), *ex parte Pfeiffer*, 1962 C.D. 408 (1961), and *In re Thorpe*, 227 USPQ 964 (Fed. Cir. 1985).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **28-29, 31, 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan et al.**(US Pat. 6,421,675).

A. Re. To claim 28: Ryan et al.. teach a database search system comprising:

a database of search listings, each search listing being associated with a respective advertiser/"content provider" (see **Ryan et al.**, the abstract, and 34:44-65), each search listing including a search term and at least one of a variable cost per click (CPC) (see **Ryan et al.**, 34:66 to 35:9).

Ryan et al. teach that a search engine configured to identify search listings matching a search query received from a searcher, the matching search listings being ordered in a search result list according to a display rank (see **Ryan et al.**, 1:59 to 2:4), and the bid amount; these results are in the form of a list, ranked according to criteria specific to the search engine of the matching search listings; and an agent (see **Ryan et al.**, Figs.2, 23) responsive to a condition definition from an advertiser to provide condition update information to the advertiser.

Although Ryan et al. do not disclose exactly the claimed language, it would be obvious to one of ordinary skill in the art to recognize that Ryan et al.'s invention is sufficient to teach claimed ideas because Ryan et al. disclose similar structural components that make up a search engine as claimed.

B. As to claim **29**, Ryan et al. teach a database search system wherein an agent is configured to receive as the condition definition an indication of search listings and indication of CPC range (see **Ryan et al.** 33:15-18), and wherein the agent is configured **to provide** as the condition update information a **notification** (see **Ryan et al.** 34:60-65).

It would have been obvious to one of ordinary skill in the art to use a search system to send a message/notification that CPC for the indicated search

listings has reached the indicated CPC range because this act simply acknowledge a user about a predetermined threshold stored in said system.

Artisans would recognize that this is very convenient in their search.

C. As to claim **31**, Ryan et al. teach a database search system comprising an advertiser **account management device** (see **Ryan** et al.: Fig. 24, and 34:66 to 35:7).

Ryan et al. do not teach about an agent receiving minimum account balance.

However, the examiner submits that it is old and well-known in a search engine that using an account administrator to manage/report a balance of an advertiser.

It would be obvious to one of ordinary skill in the art to utilize a processor in the system of Ryan et al. to compare a balance of an advertiser to a predetermined number and report the findings to the agent/user. Artisans would recognize that this is necessary in reporting current related information.

D. As to claim **33**, Ryan et al. teach a database search system comprising an advertiser account management device (see **Ryan** et al. 34:66 to 35:3) configured to **count clicks** for specified search listings (see Ryan et al. 33:15-18), and wherein the agent is configured to receive click-counted search listings and an associated click limit (see **Ryan** et al. 33:15-20).

6. Claim **30** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan** et al.(US Pat. 6,421,675), in view of **Goto.com** article published on 5/19/1998.

Ryan et al. teach a database search system wherein the agent is configured to **receive** as the condition definition an indication of search listings and **indication of desired rank** (see cited Goto.com article that teaches about bidding for more prominent placement/rank), and wherein the **agent** is configured to **provide** as the condition **update** information **a notification** (see **Ryan et al.** 34:60-65).

The examiner submits that this claimed information is obvious to one of ordinary skill in the art. Ryan et al. teach about an agent 's search engine that receiving a desired rank from a user's input, and providing notification to update information through interactive communications upon receiving a feedback from that search system.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Ryan et al. and Goto.com teachings in using a search system to send a message/notification about a desired rank because this act simply acknowledge a user about a current status of a search term stored in said system. Artisans would recognize that this reflects a selection of a user quickly in real-time.

7. Claim **32** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan et al.**(US Pat. 6,421,675), in view of **Langheinrich et al.** (US Pat. 6,654,725).

Ryan et al. teach a database search system comprising an advertiser account management device (see **Ryan et al.**, 34:66 to 35:3) configured to count impressions/hit (see **Ryan et al.**, 16:49-60, and 26:39-40).

Ryan et al. do not expressly disclose about impression rates.

However, Langheinrich et al. explain the use of that impression rates in advertisements (see **Langheinrich et al.**, 5:36-50).

(The examiner notes that the specification gives an example for "impression" object such as: "... an impression is defined as follows. Whenever a user types in a search term, a set of matching search results are presented. The presentation of a listing to a user is counted as an impression. If a listing is on a following page, and the user does not search beyond the current page, then this does not count as an impression. Other definitions may be used as well. If the rank of a listing changes, then the number of impressions for the listing can be reset to zero.", "The economic value is given when one or more network locations, such as advertiser web sites, are referred to a searcher. The referral may be by presenting the network locations on a screen used for data entry and receipt by the searcher, alone or with other search results. This is referred to as **an impression.**", "**a banner**" (Like traditional advertising, banner advertising on the Internet is typically priced on an impression basis with advertisers paying for exposures to potential consumers. Banners may be displayed at every page access, or, on search engines, may be targeted to search terms).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ryan et al. and Langheinrich et al., in advertisement because they provide a database search system which customizes electronic advertisements to be delivered to

users. Artisans would recognize that these cited prior art specified search listings and wherein the agent is configured to receive as the condition definition an indication of impression-counted search listings and an associated impression limit, because a number is always used for artisans to indicate a threshold/limitation for a definiteness, this limit is old and well-known.

7. Claim **34** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan et al.** (US Pat. 6,421,675), in view of **Golding et al.** (US Pat. 6,640,218).

Ryan et al. teach a database search system comprising an advertiser account management device (see **Ryan et al.** 34:66 to 35:3) configured to **measure a click-through rate** for specified search listings and wherein the agent is configured to receive as the condition definition an indication of click through rate search listings. and an associated click through rate limit.

Ryan et al. teach a database search system comprising an advertiser account management device configured to measure a click through rate for specified search listings and wherein the agent is configured to receive as the condition definition an indication of click through rate search listings and an associated click through rate limit.

The examiner notes that the specification defines about click-through rate as followings: "impression-based advertising inefficiently exploits the Internet's direct marketing potential, as the click-through rate, the rate of consumer visits a banner generates to the destination site.

Ryan et al. do not disclose about an associated click-through rate limit.

However, Golding et al. disclose that limit by using "relative Quality Adjusted Selection Rates" (see **Golding** et al., 12:13-24).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Ryan et al. and Golding et al. in using a search system to determine rate limits of search clicks. Artisans would recognize that this reflects a more accurate rate of counting in selecting a right term for searching.

7. Claim **35** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan** et al.(US Pat. 6,421,675), in view of **Golding** et al. (US Pat. 6,640,218), and further in view of the Official Notice.

Ryan et al. teach a database search system wherein the associated click through rate comprises an aggregate click through rate for a combination of the click through rate search listings.

Ryan et al. and Golding et al. do not disclose that "associated click through rate comprises an aggregate click through rate for a combination of the click through rate search listings".

However, the Official Notice is taken here that a combination of the click through rate search listings are counted for in click through rate.

It would have been obvious to one of ordinary skill in the art to implement Ryan et al. and Golding et al. with the above Official Notice taken because accounting for a combination of click through rate search listing would increase accuracy in calculating rates in searching.

8. Claim **36** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan** et al.(US Pat. 6,421,675), in view of the Official Notice.

Ryan et al. teach a database search system comprising an advertiser account management device (see **Ryan et al.**, 34:66 to 35:3) configured to measure an average cost per click through for specified search listings and wherein the agent is configured to receive average cost per click through search listings and an associated limit.

Ryan et al. do not disclose about measuring an average cost per click-through and an associated limit.

However, the Official Notice is taken here that it is old and well-known for an agent to receive specific data by Internet (for the claimed system, it is not necessary that "a receiving data must be a click-through limit", cited art of Ryan et al. receive specific information; that might include "receiving average cost per click through search listings and an associated limit"; (please note that for a system claim, a search agent can received any specific information wherein the specific info. are non-functional material that do not contribute to patentability of that system).

It would have been obvious to one of ordinary skill in the art to implement Ryan et al. with the above Official Notice taken because artisans would recognize that a database search system can receive a non-functional descriptive material such as an average cost per click-through search listing and associated limit, and still maintaining structural relationships of components in a database search system as claimed.

9. Claim **37** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ryan et al.**(US Pat. 6,421,675).

Ryan et al. teach a database search system wherein the agent is configured to receive as the condition definition an indication of the minimum CPC required to attain a given display rank for a search term.

Ryan et al. do not disclose that “an agent is configured to receive as the condition definition an indication of the minimum CPC required to attain a given display rank for a search term”.

However, the examiner submits that “receiving minimum required CPC” would be specified by a user of the database search system because this is a non-functional descriptive material; in another word, the cited system of Ryan et al. would receive any specific data including “receiving minimum required CPC (see **Ryan et al.** 33:15-18).

It would have been obvious to one of ordinary skill in the art to implement Ryan et al. to “receive minimum CPC required to attain a given display rank for a search term” because the claimed language is directed to a **system** comprising structural components as in Ryan et al.’s invention, which can receive specific data.

Conclusion

10. Claims **26-37** are not patentable.

11. These prior cited references are considered pertinent to applicants’ disclosure.

- Buck et al., (WO 200016218 A1, classification G06F 17/30- publishing date was 23/03/2000), about a web site searching and indexing system for Internet, provides search report of listings relevant to search inquiry in

which rank is assigned in order according to denominated values associated with listing.

- - Buck et al., (PCT/WO US9920486, classification G06F 17/30- publishing date was 9/10/1999), about a web site searching and indexing system for Internet, provides search report of listings relevant to search inquiry in which rank is assigned in order according to denominated values associated with listing.
- Parsons et al., (WO 0041090 - published date is 7/13/2000), about a search engine database and interface base. **RYAN** et al., (WO 9948028 - published date is 9/23/1999), about an improved search engine .
 - - Northern Light Technology, LLC, "Help & Hints Table of Contents", from URL address: <http://www.sirocco.northernlight.com/docs/>, copyright 1997-1998.
- Goto.com Inc., Goto Search Results: search engine, from URL <http://www.goto.com/d/search-results/>, printed on 8/19/1998.
- Kim Komando, With about 320 million sites, search engines offer some help, printed in 1998, Los Angeles Times Syndicate.
- An article of "GoTo.com 's account management tool for...", from dtc@goto.com (GoTo DirecTraffic Center), no date.
- Buck et al., (US Pat. 6,078,866), disclose about an Internet site searching and listing service based on monetary ranking of site listings, published on 6/20/2000; priority date is 6/24/1998.
- Hunt et al., (US Pat. 5,724,524), disclose a method and a system for listing, brokering, and exchanging carrier capacity, published on 3/03/1998.
- Kirsch, (US Pat. 5,659,732), discloses about document retrieval over networks wherein ranking and relevance scores are computed at the client for multiple database documents, published on 8/19/1997.

- Mauldin, (US Pat. 5,748,954), discloses about a method for searching a queued and ranked constructed catalog of files stored on a network, published on 5/05/1998.
- Danny Sullivan, "Goto sells positions", from the search engine report, published on 3/03/1998.
- Rich, "New search engine allows sites to pay their way to top", from MediaWeek, 02/23/1998, Vol.8, Issue 8, p28.
- Database of Corporate ResourceNet, "New service puts ad auction, search engine under one roof", from Electronic Advertising & Marketplace Report, 04/28/1998, Vol.12 Issue 8, p6.
- Espe, "Online search engines start to charge for listings", from Washington Business Journal, 05/07/1999, Vol.18 Issue 1, p31.
- Dawson et al., "2 search sites narrow their parameters", from Adweek—Western Edition, 10/19/1998, Vol.48 Issue 42, p5.
- Database of Corporate ResourceNet, "Bits", from Adweek—Eastern Edition, 04/05/1999, Vol.40 Issue 14, p46.
- Kim Komando, "Searching for search engines—from Dogpile to Deja News", Business First—Columbus, 06/19/1998, Vol.14 Issue 43, p46.
- Database of Corporate ResourceNet, "New services aim to boost efficiency of search engines", from Electronic Advertising & Marketplace Report, 07/14/1998, Vol.12 Issue 13, p6.
- Database of Corporate ResourceNet, "GoTo.com chooses Quest's SharePlex(R) for Oracle software to ensure uptime for business-critical Web site, from PR Newswire, 06/15/2000.
- Database of Corporate ResourceNet, "Capitalist tool", Time Canada, 03/02/1998, vol.151 Issue 8, p41.

- Database of DialogClassic(tm), "Homestead Technologies' Continued Success Draws \$17.5 Million In Second Round of Venture Funding", PR Newswire, April 13, 1999.
- US Pat.6,029,195 for a system for customized electronic identification of desirable objects.
- US Pat.5,835,087 for a system for generation of object profiles for a system for customized electronic identification of desirable objects.
- US Pat.5,754,939 for a system for generation of user profiles for a system for customized electronic identification of desirable objects.
- US Pat. 5,864,846 (Voorhees, et al.) filing date 6/26/1996 for "Method for facilitating world-wide-web searches utilizing a document distribution fusion strategy".
- US Pat. 5,918,014 (Robinson) filing date 12/26/1996 for "Automated collaborative filtering in world-wide-web advertising".
- US Pat. 5,920,854 (Kirsch, et al.) filing date 8/14/1996 for "Real-time document collection search engine with phrase indexing".
- US Pat. 5,920,859 (Li) filing date 2/02/1997 for "Hypertext document retrieval system and method".
- APS Search Tools - Patent Search Client Strategy publishing date 9/17/1997 by US Patent & Trademark Office.
- Frequently Asked Questions NT Image Search & Retrieval (IS&R) modified 12/04/1997 by US Patent & Trademark Office.
- Chapter 1 - Introduction to Dialog, pp.1-1 to 1-14 by Dialog Information Service, Inc.
- "Automated Patent System (APS)Workstation Reference Manual published on 7/01/1996 by US Patent and Trademark Office.

- Frentzen, "Help for getting the word out about Web sites. (Site promotion tools)", PC Week, v14, n46, p27(1), published on 11/03/1997.
- Miller, "Improve your ranking (building Web sites to attract Web searches)", Home Office Computing, v16, n1, p51(2), published on Jan. 1998.
- Lash, "Open Text updates tools" CNET News.com
(<http://www.news.com/News/Item/0,4,6118,00.html>) published on 12/11/1996.
- Aguillar, "New ad model charges by the click",
<http://www.news.com/News/Item/0,4,1199,00.html> published on 4/29/1996.
- Wingfield, Engine sells results, draws fire, from CNET News.com, printed on 6/21/1996.
- "ClickMail Central Directory Specifications", from URL address
<http://www.oneclick.com/server/>, dated on 8/18/1998.
- Wingfield, "Another engine takes ads by the click",
<http://www.news.com/News/Item/0,4,1387,00.html> published on 5/22/1996.
- Peline, "New search engine goes commercial", by CNET NEWS.COM
published on 2/18/1998.
- Wang "Engines Battle Irrelevance of Results - New search service hope to fill the void", by Internet World, published on 2/26/1998.
- Vonder Haar, "Searching for the highest bidder" from Inter@ctive Week,
published on 2/19/1998.
- Riedman, "Search engine startup to auction listings" from Interactive -
advertising, published on 2/23/1998.
- Rich, "New search engine allows sites to pay this way to top" from
<http://www.adweek.com/iq/iqnews02.asp>, published on 2/23/1998.
- Mardesich, "Web site operators pay for top billing - Search engine allows site sponsors to buy place on special list", from Knight Ridder Newspapers or
Alexander Communications, published on 3/02/1998.

- Hilty, "GoTo.Hell - What happens when an online search engine accepts cash from Web sites?", <http://www.ocweekly.com/ink/archives/97/27byte-3.11.98-1.html>, published on 3/11/1998.
- Flynn, "With Goto.com's Search Engine, the Highest Bidder Shall Be Ranked First", by the New York Times, published on 3/16/1998.
- Clark, "Start-up plans Internet search service tying results to advertising spending" from The Wall Street Journal, published on 2/20/1998.
- "Going, Going ..." from A closer look of The Wall Street Journal - Marketplace, published on 4/02/1998.
- "coursey.com" David Coursey's insider report on Personal Computing, the Internet, and Communications, published on 3/18/1998.
- Glaser, "Who will GoTo.com", from OnlinePress.com, published on 2/20/1998.
- Mardesich, "Search engine charges hit sites", <http://www.sjmercury.com/business/center/goto022198.htm>, published on 2/29/1998.
- "News About Search Engines", from <http://searchenginewatch.com/ness.html>, published on 2/23/1998.
- Wang, "Engines Battle Irrelevance of Results", from Internet world, published on 2/23/1998.
- Swartz, "Browser only lists paying Web sites. Critics fear approach will squeeze out most small Internet players", from <http://www.sfgate.com/cgi-bin/>, published on San Francisco Chronicle 2/21/1998.
- McWilliams, "Search engine to sell top positions on results lists", <http://www.pcworld.com/news/daily/data/0298/...html>, published on 2/23/1998.
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- **Davis et al.**, US Pat. 6,269,361 – 7/21/2001, System and method for

influencing a position on a search result list generated by a computer network search engine. This patent from the same assignee is improper for use to reject this pending application because of this reference's priority date.

- **SOULANILLE THOMAS et al.**, EP1282051 – 2/05/2003, System and method for enabling multi-element bidding for influencing a position on a search result list generated by a computer network search engine. This patent from the same assignee is improper for use to reject this pending application because of this reference's priority date.

- **SHOSAKU KAWAI**, US Pat. 5,822,529 – 10/13/1998, 705/26, teach about distributed bi-directional communication network structure in which a host station connected to a plurality of user stations initially assists only in setting up communication directly between user stations without going through the host station (**JP 6-189708** – 8/11/1994; **JP 7-085028** – 4/11/1995). This reference's subject matter is different from the pending claimed invention.

- **Rodney D. Nielsen**, US Pat. 5,791,652 – 8/11/1998, 273/305, teaches about domino and interchangeable suit cards, games, and methods of play). This reference's subject matter is different from the pending claimed invention.

- **DAVIS DARREN J. et al.**, US2001042064 – 11/15/2001, G06F17/30, System and method for influencing a position on a search result list generated by a computer network search engine. This patent from the same assignee is

improper for use to reject this pending application because the filing date of this case is 2/08/2002 (after 11/1999).

- **ADAMS CHAD** et al., US2002042769 – 4/11/2002, System and method for conducting electronic auctions with multi-parameter optimal bidding, IPC Classification: G06F17/60. This reference has a different subject matter compared to the pending application.

- **SKINNER CHRISTOPHER J.**, US2003105677 – 6/05/2003, IPC Classification: G06F17/60, Automated web ranking bid management account system. This patent from the same assignee is improper for use to reject this pending application because of this reference's priority date.

- **SOULANILLE THOMAS A.** et al., US2003033292 – 2/13/2003 - G06F17/60, System and method for enabling multi-element bidding for influencing a position on a search result list generated by a computer network search engine. This patent from the same assignee is improper for use to reject this pending application because the filing date of this case is 2/08/2002 (after 11/1999).

- US2003105677 Automated web ranking bid management account system

- US2003088496 Tag processing terminal for facilitating competitive internet bid transactions.

- US Pat. 6,058,417, Information presentation and management in an online trading environment.

- US Pat. 6,415,270, Multiple auction coordination method and system.

- CA2322210 SYSTEM AND METHOD FOR AUCTIONING SERVICES OVER AN INFORMATION EXCHANGE NETWORK.

- WO0246879 SYSTEMS AND METHODS FOR SHIFTING BIDS AND OFFERS IN A TRADING INTERFACE.
- CA2396394 SYSTEM AND METHOD FOR ENABLING MULTI-ELEMENT BIDDING FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST GENERATED BY A COMPUTER NETWORK SEARCHING.
- GB2381896 A method for enabling multi-element bidding for influencing a position on a search result list generated by a search engine.
- CA2375132 SYSTEM AND METHOD FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST GENERATED BY A COMPUTER NETWORK SEARCH ENGINE.
- WO03010689 IMPROVED SYSTEM AND METHOD FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST GENERATED BY A COMPUTER NETWORK SEARCH ENGINE
- EP1282051 System and method for enabling multi-element bidding for influencing a position on a search result list generated by a computer network searching.
- WO0073960 SYSTEM AND METHOD FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST GENERATED BY A COMPUTER NETWORK SEARCH ENGINE.
- US2002073014 Systems and methods for shifting bids and offers in a trading interface.
- US2002042769 System and method for conducting electronic auctions with multi-parameter optimal bidding.

- US2001034696 Range bid model.
- US2001051940 System and method for influencing a position on a search result list generated by a computer network search engine
- US2001051911 Bidding method for internet/wireless advertising and priority ranking in search results.
- US2001047354 System and method for influencing a position on a search result list generated by a computer network search engine.
- US2003033292 System and method for enabling multi-element bidding for influencing a position on a search result list generated by a computer network searching.

12. Notes:

A. A claim containing a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. Ex parte **Masham**, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987)

The examiner submits that above cited prior art teach a search listing is ALSO associated with "a modifiable bid amount that is independent of other components of the search listing." (see the implementation that Goto.com suggested in the article published on May 19, 1998, about "**GoTo.com announces first round of financing, totaling more than \$6 million, led by Draper Fisher Jurvetson**" and Dialog Inc. It obviously/inherently sets forth the mode contemplated by prior art of carrying out the subject matter in "Bidding for higher placement offers big benefit to advertisers ... Any advertiser can increase a bid for a listing in order to obtain a higher ranking", this feature inherently

mentions about "a modifiable bid amount that is independent of other components of the search listing". Other related articles are cited to indicate that the concept in this application already disclosed. That means the claims' subject matter was taught).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT A. MILLIN can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625